

wastes, the practical difficulties associated with applying requirements for other wastes to the wastes, and site-specific characteristics, including the climate, geology, hydrology, and soil chemistry at the site, if the modified requirements assure protection of human health and the environment and are no more stringent than federal standards applicable to waste:

(a) solid waste from the extraction, beneficiation, or processing of ores and minerals, including phosphate rock and overburden from the mining of uranium;

(b) fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels; and

(c) cement kiln dust waste.

(3) The board shall establish criteria for siting commercial hazardous waste treatment, storage, and disposal facilities, including commercial hazardous waste incinerators. Those criteria shall apply to any facility or incinerator for which plan approval is required under Section 19-6-108.

Section 2. Section **19-6-402** is amended to read:

**19-6-402. Definitions.**

As used in this part:

(1) "Abatement action" means action taken to limit, reduce, mitigate, or eliminate:

(a) a release from ~~[an underground storage tank or]~~ a petroleum storage tank; or

(b) the damage caused by that release.

(2) "Aboveground petroleum storage tank" means a storage tank that is, by volume, less than 10% buried in the ground, including the pipes connected to the storage tank and:

(a) (i) has attached underground piping; or

(ii) rests directly on the ground;

(b) contains regulated substances;

(c) has the capacity to hold ~~501~~ 501 gallons or more; and

(d) is not:

(i) used in agricultural operations, as defined by the board by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(ii) used for heating oil for consumptive use on the premises where stored;

(iii) related to a petroleum facility under SIC Code 2911 or 5171 of the 1987 Standard Industrial Classification Manual of the federal Executive Office of the President, Office of

storage tank fails to register the tank or provide notice as required in Subsection (1) or (2).

~~[(3)]~~ (4) The penalties collected under authority of this section shall be deposited in the Petroleum Storage Tank Restricted Account created in Section 19-6-405.5.

Section 5. Section **19-6-408** is amended to read:

**19-6-408. Petroleum storage tank registration fee -- Processing fee.**

(1) The department may assess an annual ~~[underground]~~ petroleum storage tank registration fee against an owner or operator of ~~[an underground]~~ a petroleum storage tank that has not been closed. These fees shall be:

(a) billed per facility;

(b) due on July 1 annually;

(c) deposited with the department as dedicated credits;

(d) used by the department for the administration of the ~~[underground]~~ petroleum storage tank program outlined in this part; and

(e) established under Section 63J-1-504.

(2) (a) As used in this Subsection (2), "financial assurance mechanism document" may be a single document that covers more than one facility through a single financial assurance mechanism.

(b) ~~Ĥ→~~ (i) ~~←Ĥ~~ In addition to the fee under Subsection (1), an owner or operator of a petroleum

storage tank who elects to demonstrate financial assurance through a mechanism other than the Environmental Assurance Program shall pay a processing fee established under Section 63J-1-504.

~~Ĥ→~~ (ii) This Subsection (2)(b) does not apply to a self-insured public entity. ~~←Ĥ~~

(c) If a combination of financial assurance mechanisms is used to demonstrate financial assurance, the fee under Subsection (2)(b) shall be paid for each document submitted.

(3) ~~[Any funds]~~ Money provided for administration of the ~~[underground]~~ petroleum storage tank program under this section that ~~[are]~~ is not expended at the end of the fiscal year lapse into the Petroleum Storage Tank Restricted Account created in Section 19-6-405.5.

(4) The director shall provide all owners or operators who pay the annual ~~[underground]~~ petroleum storage tank registration fee a certificate of registration.

(5) (a) The director may issue a notice of agency action assessing a civil penalty of \$1,000 per facility if an owner or operator of ~~[an underground]~~ a petroleum storage tank facility fails to pay the required fee within 60 days after the July 1 due date.